

120002702

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26**

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds

JURISDICTION: Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: V-9

LOCATION: Buchanan County, Virginia

DOCKET NUMBER: VGOB 97-0121-0561-01

APPLICANTS: CNX Gas Company, LLC.

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia September 18, 2012

APPEARANCES: Mark Swartz on behalf of CNX Gas Company, LLC

NOTICE:

The Unit Operator gave notice to all parties that the Board would consider its disbursement petition at the September 18, 2012 hearing and consider whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account and Vacate the order because the unit is 100% leased.
- (2) Close the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

- (1) Refund of escrow payments heretofore deposited with the Board's Escrow Agent
- (2) Vacate the Board's Order as all individuals have voluntarily leased.

RELIEF GRANTED:

Because this unit is now 100% leased and is a voluntary unit, CNX Gas Company, LLC is asking that the funds in escrow be released to them. A pooling order and escrowing is no longer required.

Refund 100% of the monies in escrow to CNX Gas Company, LLC, Attention Anita Duty, 2481 John Nash Blvd., Bluefield, WV 24701

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed above.

2. The Escrow Agent is ordered to CLOSE the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and **IT IS SO ORDERED.**

APPEALS:

Appeals: Appeals of this Order may be filed by an adversely affected party within thirty days after service of the Order, pursuant to the provisions of Va. Code Ann. § 45.1-361.9 that provides that any order or decision of the Board may be appealed to the appropriate circuit court where interlocutory relief may also be sought. Any appeal shall be filed in compliance with the provisions of the Administrative Process Act (Va. Code Ann. §§ 2.2-4000 et seq.) and the Rules of the Supreme Court of Virginia.

Effective Date:

This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 15 day of Oct, 2012, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 15th day of OCT., 2012 BY Order of the Virginia Gas and Oil Board.

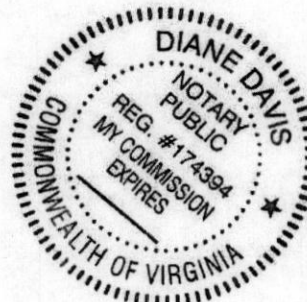
Rick Cooper
Rick Cooper, Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL)

Acknowledged on this 15th day of Oct, 2012, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and Rick Cooper, being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and were authorized to do so.

Diane J. Davis
Diane J. Davis, Notary Public #174394

My commission expire: 09/30/2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 97-0121-0561-01

RELIEF SOUGHT:

- (1) REFUND OF ESCROW BALANCE
(2) VACATE ORDER

HEARING DATE: September 18, 2012

DRILLING UNIT: V-9

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, WV 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) Refund of escrow payments heretofore deposited with the Board's Escrow Agent(s). (2) Vacate the Board's Order of March 19, 1997 as all individuals have voluntarily leased.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** All individuals have entered into a voluntary lease agreement. A pooling order and escrow is no longer required.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC PETITIONER

By: 

Anita D. Duty
Pooling Supervisor
CNX Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

BUCHANAN PRODUCTION COMPANY

Tract Identification

Unit No. V-9

1. Landon Wyatt (Big Axe) - Tr. 30 - Coal
Coal Lessees
Jewell Smokeless Coal Co. - Tiller and above
Island Creek Coal - Coal below Tiller
Buchanan Production Co. - CBM Lessee
Island Creek Coal Co. - Surface, Oil & Gas
58.86 acres - 73.5750%
2. Landon Wyatt (Big Axe) - Tr. 29 - Coal
Coal Lessees
Jewell Smokeless Coal Co. - Tiller and above
Island Creek Coal - Coal below Tiller
Buchanan Production Co. - CBM Lessee
Norman E. Morgan, Et al - Surface, Oil & Gas
Buchanan Production Co. - Oil & Gas Lessee
9.61 acres - 12.0125%
3. Landon Wyatt (Big Axe) - Tr. 13 - Coal
Coal Lessees
Jewell Smokeless Coal Co. - Tiller and above
Island Creek Coal - Coal below Tiller
Buchanan Production Co. - CBM Lessee
Theresa H. Brents - Surface, Oil & Gas
11.48 acres - 14.3500%
4. Landon Wyatt (Big Axe) - Tr. 30 - Coal
Coal Lessees
Jewell Smokeless Coal Co. - Tiller and above
Island Creek Coal - Coal below Tiller
Buchanan Production Co. - CBM Lessee
* Island Creek Coal Co. - Surface, Oil & Gas
0.05 acres - 0.0625%

*Tract #4 has been changed to
reflect current ownership.
Janet Brown was incorrectly
identified on the previous tract id

Exhibit B-2
Oakwood Field Unit V-9
VGOB-97-0121-0561-01
List of Respondents to be dismissed

		Net Acres in Unit	Interest in Unit	Division of Interest in 3-West = 7.1178%	Reason for Addition	Reason for Dismissal
I. OIL & GAS OWNERSHIP						
<u>TRACT #4 - 0.05 acres</u>						
(1)	CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	0.05 acres	0.0625%	0.0044%	Due Diligence	
(1)	Lonnie & Janet Brown Rt. 1, Box 97-A Vansant, VA 24656	0.05 acres	0.0625%	0.0044%		Not an Owner

Note: Lonnie & Janet Brown were incorrectly identified as owners when the unit was pooled

Exhibit B-3
Oakwood Field Unit V-9
VGOB 97-0121-0561-01
List of Unleased Owners/Claimants

Net Acres
in Unit

Interest in
Unit

Division of
Interest in
3-West = 7.1178%

Unit is 100% Leased

INSTRUMENT #120002702
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
DECEMBER 4, 2012 AT 09:26AM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB

12/13/12

Scanned + sent to
Operator's.

SH